

From: Rochlin, Kevin
Sent: Friday, November 08, 2013 1:42 PM
To: Kelly Wright
Cc: Rochlin, Kevin
Subject: RE: Official Request for Adequate Notification

Categories: 11-19 to 1-10 2014

Kelly,

Give me a call about the need to sample for more constituents for groundwater.

Kevin

From: Kelly Wright <kwright@sbtribes.com>
Sent: Friday, November 08, 2013 11:12 AM
To: Albright, Rick; Sheldrake, Beth; Rochlin, Kevin
Cc: susanh@ida.net; Virginia Monsisco; Arnold Appeney; Tony Galloway; Casper Appenay; John Fred; Angelo Gonzales; FHBC; Slater, Mike; Woods, Jim; Bill Bacon
Subject: RE: Official Request for Adequate Notification

Rick, thanks for your explanation. FMC only notified EPA after we asked when was groundwater sampling going to be performed. I know the Tribes were notified at the same time that EPA was of the CERCLA groundwater sampling at FMC but no details were provided for the RCRA groundwater sampling.

What I don't understand is why if we are looking to start groundwater treatment at this site, EPA would not want to see an expanded list of constituents analyzed? Arsenic is not the only metal detected at this site. Science generally tries to validate or verify assumptions (hypothesis) made. By collecting these samples, the Tribes is using our own resources to show that your preferred alternative was correct and ensure that the current risk assessment made at FMC is still valid.

On the remarks that your contractor is providing oversight as requested by the Tribes, we also requested that some of this oversight could be done by us at a significantly less cost. So with the limited resources, why doesn't EPA support the Tribes as one of your oversight mechanisms. I know EPA has supported Tribes in numerous other programs whether it's through federal credentials or our education/experience to do oversight in behalf of the EPA.

Kelly

From: Albright, Rick [<mailto:Albright.Rick@epa.gov>]
Sent: Wednesday, November 06, 2013 9:12 AM
To: Kelly Wright; Sheldrake, Beth; Rochlin, Kevin
Cc: susanh@ida.net; Virginia Monsisco; Arnold Appeney; Tony Galloway; Casper Appenay; John Fred; Angelo Gonzales; FHBC; Slater, Mike; Woods, Jim; Bill Bacon
Subject: RE: Official Request for Adequate Notification

Kelly,

Mary Woodruff works for the EPA contractor who helps us perform oversight of FMC's work.

As you may recall, when we consulted with the Shoshone-Bannock Tribal Business Council regarding the Unilateral Administrative Order we eventually issued to FMC, we promised to provide oversight of FMC's work. We had indicated this oversight would be performed by either EPA personnel or our contractor. Since FMC started work at the site, we have had our contractor present much of the time. This not only provides needed oversight, but also guarantees that tribal staff have access to the site during work given FMC's refusal to allow the tribe access without an EPA presence.

I do understand that our contractor did not provide you advance notice that they would be present at the site yesterday, and we have instructed our contractor to notify you in advance in the future regarding any sight visits.

As far as the sampling effort goes, my understanding is that tribal staff were aware ahead of time the sampling was taking place and had made arrangements to collect samples. Unless you know otherwise, my assumption is that the tribal samples were collected yesterday.

Rick

From: Kelly Wright [<mailto:kwright@sbtribes.com>]

Sent: Tuesday, November 05, 2013 2:16 PM

To: Sheldrake, Beth; Rochlin, Kevin; Albright, Rick

Cc: susanh@ida.net; Virginia Monsisco; Arnold Appeney; Tony Galloway; Casper Appenay; John Fred; Angelo Gonzales; FHBC; Slater, Mike; Woods, Jim; Bill Bacon

Subject: Official Request for Adequate Notification

This morning when the Tribes showed up at FMC to sign in as requested for the CERCLA Quarterly groundwater sampling, Mary Woodruff was present at the site. She said that she had been asked yesterday to show up for this excursion and be a representative for EPA. Why didn't anyone inform the Tribes? In the future, the Tribes are officially requesting that EPA provide adequate notice of any site visits or sampling efforts at EMF. Under the FMC UAO, the Tribes are allowed to collect split samples with an EPA representative.

It is imperative that EPA communicate with the Tribes so we are all on the same understanding for what is going on with these activities. This cleanup effort is being conducted on our homelands where Tribal members are stuck to live if they want to exercise their rights of hunting, fishing and gathering on unoccupied lands of the federal government.

Kelly